

111TH CONGRESS
1ST SESSION

S. 2855

To reallocate a portion of the Troubled Asset Relief Program to increase
lending to main street.

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2009

Mr. MENENDEZ introduced the following bill; which was read twice and
referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To reallocate a portion of the Troubled Asset Relief Program
to increase lending to main street.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Credit Retains Em-
5 ployees And Triggers Economic Growth and Jobs Act of
6 2009” or the “CREATE Growth and Jobs Act”.

7 **SEC. 2. LOANS TO CREDITWORTHY SMALL BUSINESS CON-**
8 **CERNS.**

9 (a) DEFINITIONS.—In this section—

1 (1) the term “Administrator” means the Ad-
 2 ministrator of the Small Business Administration;

3 (2) the terms “credit elsewhere” and “small
 4 business concern” have the meanings given those
 5 terms under section 3 of the Small Business Act (15
 6 U.S.C. 632); and

7 (3) the term “eligible small business concern”
 8 means a small business concern that the Adminis-
 9 trator determines—

10 (A) is fiscally sound, including being cred-
 11 itworthy; and

12 (B) is not able to obtain credit elsewhere.

13 (b) AUTHORITY.—

14 (1) IN GENERAL.—The Administrator may
 15 make a loan to an eligible small business concern for
 16 the operation, acquisition, or expansion of an eligible
 17 small business concern.

18 (2) TERMS AND CONDITIONS.—

19 (A) IN GENERAL.—Except as provided in
 20 this section, a loan made under paragraph (1)
 21 shall be made on the same terms and conditions
 22 as a loan made under section 7(b)(2) of the
 23 Small Business Act (15 U.S.C. 636(b)(2)).

24 (B) TERMS.—A loan under paragraph
 25 (1)—

1 (i) shall be for not more than
2 \$1,500,000;

3 (ii) shall have a rate of interest of not
4 more than the prime rate of interest (as
5 such prime rate is determined from time to
6 time by at least 75 percent of the 30 larg-
7 est depository institutions in the Nation)
8 plus 475 basis points; and

9 (iii) shall be for a period of not longer
10 than 25 years.

11 (c) MAXIMUM AMOUNT FOR PROGRAM.—The Admin-
12 istrator may not make more than a total of
13 \$10,000,000,000 in loans under this section in any fiscal
14 year.

15 (d) FUNDING.—Of amounts made available under
16 section 115(a) of the Emergency Economic Stabilization
17 Act of 2008 (12 U.S.C. 5225(a)) that are not otherwise
18 obligated, \$20,000,000,000 shall be made available to the
19 Administrator to carry out this section.

20 (e) TERMINATION OF AUTHORITY.—The authority to
21 make loans under this section shall terminate 2 years after
22 the date of enactment of this Act.

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